

CASE NUMBER: 034252/2022

EXHIBIT(S) - K (Motion #003) - Renewal Notice of Award

Document prepared for:
kevin barlow

CASE NAME

Rosemarie Mckinnis Est Of, Kathleen Mckinniss, Carin Rosado, James Finn Est Of, Geraldine Finn Exr v. Ecohealth Alliance Inc, Peter Daszak, Janet D Cottingham Aka, Janet Dasz...

CASE FILING DATE

Oct. 5th, 2022

DOCUMENT FILED DATE

Feb. 21st, 2023

COUNTY

Rockland county, NY

JUDGE

Sherri L Eisenpress

CATEGORY

Torts - Environmental (SARS-COV-2)

STATUS

Active

Exhibit K



RESEARCH

Department of Health and Human Services
National Institutes of Health

Federal Award Date: 08/05/2019



NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

Grant Number: 2R01AI110964-06 REVISED**FAIN:** R01AI110964**Principal Investigator(s):**

PETER DASZAK, PHD

Project Title: Understanding the Risk of Bat Coronavirus EmergenceDr. Daszak, Peter
PD/PI
460 West 34th Street
Suite 1701
New York, NY 100012320**Award e-mailed to:** chmura@ecohealthalliance.org**Period Of Performance:****Budget Period:** 07/24/2019 – 06/30/2020**Project Period:** 06/01/2014 – 06/30/2024

Dear Business Official:

The National Institutes of Health hereby revises this award to reflect a decrease in the amount of \$71,770 (see "Award Calculation" in Section I and "Terms and Conditions" in Section III) to ECOHEALTH ALLIANCE, INC. in support of the above referenced project. This award is pursuant to the authority of 42 USC 241 42 CFR 52 and is subject to the requirements of this statute and regulation and of other referenced, incorporated or attached terms and conditions.

Acceptance of this award including the "Terms and Conditions" is acknowledged by the grantee when funds are drawn down or otherwise obtained from the grant payment system.

Each publication, press release, or other document about research supported by an NIH award must include an acknowledgment of NIH award support and a disclaimer such as "Research reported in this publication was supported by the National Institute Of Allergy And Infectious Diseases of the National Institutes of Health under Award Number R01AI110964. The content is solely the responsibility of the authors and does not necessarily represent the official views of the National Institutes of Health." Prior to issuing a press release concerning the outcome of this research, please notify the NIH awarding IC in advance to allow for coordination.

Award recipients must promote objectivity in research by establishing standards that provide a reasonable expectation that the design, conduct and reporting of research funded under NIH awards will be free from bias resulting from an Investigator's Financial Conflict of Interest (FCOI), in accordance with the 2011 revised regulation at 42 CFR Part 50 Subpart F. The Institution shall submit all FCOI reports to the NIH through the eRA Commons FCOI Module. The regulation does not apply to Phase I Small Business Innovative Research (SBIR) and Small Business Technology Transfer (STTR) awards. Consult the NIH website <http://grants.nih.gov/grants/policy/coi/> for a link to the regulation and additional important information.

If you have any questions about this award, please contact the individual(s) referenced in Section IV.

Sincerely yours,

Tseday G Girma
Grants Management Officer
NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

Additional information follows

Award Calculation (U.S. Dollars)

Salaries and Wages	\$170,123
Fringe Benefits	\$53,590
Personnel Costs (Subtotal)	\$223,713
Consultant Services	\$49,750
Materials & Supplies	\$20,850
Travel	\$15,027
Subawards/Consortium/Contractual Costs	\$229,651

Federal Direct Costs	\$538,991
Federal F&A Costs	\$122,989
Approved Budget	\$661,980
Total Amount of Federal Funds Obligated (Federal Share)	\$661,980
TOTAL FEDERAL AWARD AMOUNT	\$661,980

AMOUNT OF THIS ACTION (FEDERAL SHARE) (\$-71,770)

SUMMARY TOTALS FOR ALL YEARS		
YR	THIS AWARD	CUMULATIVE TOTALS
6	\$661,980	\$661,980
7	\$637,980	\$637,980
8	\$637,980	\$637,980
9	\$637,980	\$637,980
10	\$637,980	\$637,980

Recommended future year total cost support, subject to the availability of funds and satisfactory progress of the project

Fiscal Information:

CFDA Name: Allergy and Infectious Diseases Research
CFDA Number: 93.855
EIN: 1311726494A1
Document Number: RA110964B
PMS Account Type: P (Subaccount)
Fiscal Year: 2019

IC	CAN	2019	2020	2021	2022	2023
AI	8472364	\$661,980	\$637,980	\$637,980	\$637,980	\$637,980

Recommended future year total cost support, subject to the availability of funds and satisfactory progress of the project

NIH Administrative Data:

PCC: M51C B / **OC:** 414B / **Released:** GIRMATG 08/02/2019
Award Processed: 08/05/2019 12:01:51 AM

SECTION II – PAYMENT/HOTLINE INFORMATION – 2R01AI110964-06 REVISED

For payment and HHS Office of Inspector General Hotline information, see the NIH Home Page at <http://grants.nih.gov/grants/policy/awardconditions.htm>

SECTION III – TERMS AND CONDITIONS – 2R01AI110964-06 REVISED

This award is based on the application submitted to, and as approved by, NIH on the above-titled project and is subject to the terms and conditions incorporated either directly or by reference in the following:

- The grant program legislation and program regulation cited in this Notice of Award.
- Conditions on activities and expenditure of funds in other statutory requirements, such as those included in appropriations acts.

- 45 CFR Part 75.
- d. National Policy Requirements and all other requirements described in the NIH Grants Policy Statement, including addenda in effect as of the beginning date of the budget period.
 - e. Federal Award Performance Goals: As required by the periodic report in the RPPR or in the final progress report when applicable.
 - f. This award notice, INCLUDING THE TERMS AND CONDITIONS CITED BELOW.

(See NIH Home Page at <http://grants.nih.gov/grants/policy/awardconditions.htm> for certain references cited above.)

Research and Development (R&D): All awards issued by the National Institutes of Health (NIH) meet the definition of "Research and Development" at 45 CFR Part 75.2. As such, auditees should identify NIH awards as part of the R&D cluster on the Schedule of Expenditures of Federal Awards (SEFA). The auditor should test NIH awards for compliance as instructed in Part V, Clusters of Programs. NIH recognizes that some awards may have another classification for purposes of indirect costs. The auditor is not required to report the disconnect (i.e., the award is classified as R&D for Federal Audit Requirement purposes but non-research for indirect cost rate purposes), unless the auditee is charging indirect costs at a rate other than the rate(s) specified in the award document(s).

An unobligated balance may be carried over into the next budget period without Grants Management Officer prior approval.

This grant is subject to Streamlined Noncompeting Award Procedures (SNAP).

This award is subject to the requirements of 2 CFR Part 25 for institutions to receive a Dun & Bradstreet Universal Numbering System (DUNS) number and maintain an active registration in the System for Award Management (SAM). Should a consortium/subaward be issued under this award, a DUNS requirement must be included. See <http://grants.nih.gov/grants/policy/awardconditions.htm> for the full NIH award term implementing this requirement and other additional information.

This award has been assigned the Federal Award Identification Number (FAIN) R01AI110964. Recipients must document the assigned FAIN on each consortium/subaward issued under this award.

Based on the project period start date of this project, this award is likely subject to the Transparency Act subaward and executive compensation reporting requirement of 2 CFR Part 170. There are conditions that may exclude this award; see <http://grants.nih.gov/grants/policy/awardconditions.htm> for additional award applicability information.

In accordance with P.L. 110-161, compliance with the NIH Public Access Policy is now mandatory. For more information, see NOT-OD-08-033 and the Public Access website: <http://publicaccess.nih.gov/>.

In accordance with the regulatory requirements provided at 45 CFR 75.113 and Appendix XII to 45 CFR Part 75, recipients that have currently active Federal grants, cooperative agreements, and procurement contracts with cumulative total value greater than \$10,000,000 must report and maintain information in the System for Award Management (SAM) about civil, criminal, and administrative proceedings in connection with the award or performance of a Federal award that reached final disposition within the most recent five-year period. The recipient must also make semiannual disclosures regarding such proceedings. Proceedings information will be made publicly available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)). Full reporting requirements and procedures are found in Appendix XII to 45 CFR Part 75. This term does not apply to NIH fellowships.

SECTION IV – AI Special Terms and Conditions – 2R01AI110964-06 REVISED

Clinical Trial Indicator: No

This award does not support any NIH-defined Clinical Trials. See the NIH Grants Policy Statement Section 1.2 for NIH definition of Clinical Trial.

REVISED AWARD: This award is revised to adjust the budget in accordance with the letter from Aleksei Chmura/ECOHealth Alliance.

Supersedes previous Notice of Award dated **07/24/2019**.

This Notice of Award (NoA) includes funds for activity with **The University of North Carolina at Chapel Hill** in the amount of **\$77,750 (\$50,000 direct costs + \$27,750 F&A costs)**.

This Notice of Award (NoA) includes funds for activity with **Wuhan Institute of Virology** in the amount of **\$76,301 (\$70,649 direct costs + \$5,652 F&A costs)**.

This Notice of Award (NoA) includes funds for activity with **Institute of Pathogen Biology** in the amount of **\$75,600 (\$70,000 direct costs + \$5,600 F&A costs)**.

The Research Performance Progress Report (RPPR), Section G.9 (Foreign component), includes reporting requirements for all research performed outside of the United States. Research conducted at the following site(s) must be reported in your RPPR:

Wuhan Institute of Virology, CHINA

Institute of Pathogen Biology, CHINA

East China Normal University, CHINA

Duke-NUS Medical School, SINGAPORE

This award reflects current Federal policies regarding Facilities & Administrative (F&A) Costs for foreign grantees including foreign sub-awardees, and domestic awards with foreign sub-awardees. Please see: Chapter 16 Grants to Foreign Organizations, International Organizations, and Domestic Grants with Foreign Components, [Section 16.6 "Allowable and Unallowable Cost"](#) of the NIH Grants Policy.

This award may include collaborations with and/or between foreign organizations. Please be advised that short term travel visa expenses are an allowable expense on this grant, if justified as critical and necessary for the conduct of the project.

The budget period anniversary start date for future year(s) will be **July 1**.

Dissemination of study data will be in accord with the Recipient's accepted genomic data sharing plan as stated in the page(s) **203** of the application. Failure to adhere to the sharing plan as mutually agreed upon by the Recipient and the NIAID may result in Enforcement Actions as described in the NIH Grants Policy Statement.

This award is subject to the Clinical Terms of Award referenced in the NIH Guide for Grants and Contracts, July 8, 2002, NOT AI-02-032. These terms and conditions are hereby incorporated by

Awardees who conduct research involving Select Agents (see 42 CFR 73 for the Select Agent list; and 7 CFR 331 and 9 CFR 121 for the relevant animal and plant pathogens at <http://www.selectagents.gov/Regulations.html>) must complete registration with CDC (or APHIS, depending on the agent) before using NIH funds. No funds can be used for research involving Select Agents if the final registration certificate is denied.

Prior to conducting a restricted experiment with a Select Agent or Toxin, awardees must notify the NIAID and must request and receive approval from CDC or APHIS.

Select Agents:

Awardee of a project that at any time involves a restricted experiment with a select agent, is responsible for notifying and receiving prior approval from the NIAID. Please be advised that changes in the use of a Select Agent will be considered a change in scope and require NIH awarding office prior approval. The approval is necessary for new select agent experiments as well as changes in on-going experiments that would require change in the biosafety plan and/or biosafety containment level. An approval to conduct a restricted experiment granted to an individual cannot be assumed an approval to other individuals who conduct the same restricted experiment as defined in the Select Agents Regulation 42 CFR Part 73, Section 13.b (<http://www.selectagents.gov/Regulations.html>).

Highly Pathogenic Agent:

NIAID defines a Highly Pathogenic Agent as an infectious Agent or Toxin that may warrant a biocontainment safety level of BSL3 or higher according to the current edition of the CDC/NIH Biosafety in Microbiological and Biomedical Laboratories (BMBL) (<http://www.cdc.gov/OD/ohs/biosfty/bmb15/bmb15toc.htm>). Research funded under this grant must adhere to the BMBL, including using the BMBL-recommended biocontainment level at a minimum. If your Institutional Biosafety Committee (or equivalent body) or designated institutional biosafety official recommend a higher biocontainment level, the highest recommended containment level must be used.

When submitting future Progress Reports indicate at the beginning of the report:

If no research with a Highly Pathogenic Agent or Select Agent has been performed or is planned to be performed under this grant.

If your IBC or equivalent body or official has determined, for example, by conducting a risk assessment, that the work being planned or performed under this grant may be conducted at a biocontainment safety level that is lower than BSL3.

If the work involves Select Agents and/or Highly Pathogenic Agents, also address the following points:

Any changes in the use of the Agent(s) or Toxin(s) including its restricted experiments that have resulted in a change in the required biocontainment level, and any resultant change in location, if applicable, as determined by your IBC or equivalent body or official.

If work with a new or additional Agent(s)/Toxin(s) is proposed in the upcoming project period, provide:

- o A list of the new and/or additional Agent(s) that will be studied;
- o A description of the work that will be done with the Agent(s), and whether or not the work is a restricted experiment;
- o The title and location for each biocontainment resource/facility, including the name of the organization that operates the facility, and the biocontainment level at which the work will be conducted, with documentation of approval by your IBC or equivalent body or official. It is important to note if the work is being done in a new location.

STAFF CONTACTS

The Grants Management Specialist is responsible for the negotiation, award and administration of this project and for interpretation of Grants Administration policies and provisions. The Program Official is responsible for the scientific, programmatic and technical aspects of this project. These individuals work together in overall project administration. Prior approval requests (signed by an Authorized Organizational Representative) should be submitted in writing to the Grants Management Specialist. Requests may be made via e-mail.

Grants Management Specialist: Tseday G Girma

Email: tseday.girma@nih.gov **Phone:** 240-747-7388 **Fax:** 301-493-0597

Program Official: Erik J. Stemmy

Email: erik.stemmy@nih.gov **Phone:** 240-627-3380

SPREADSHEET SUMMARY

GRANT NUMBER: 2R01AI110964-06 REVISED

INSTITUTION: ECOHEALTH ALLIANCE, INC.

Budget	Year 6	Year 7	Year 8	Year 9	Year 10
Salaries and Wages	\$170,123	\$170,123	\$170,123	\$170,123	\$170,123
Fringe Benefits	\$53,590	\$53,590	\$53,590	\$53,590	\$53,590
Personnel Costs (Subtotal)	\$223,713	\$223,713	\$223,713	\$223,713	\$223,713
Consultant Services	\$49,750	\$49,750	\$49,750	\$49,750	\$49,750
Materials & Supplies	\$20,850	\$14,850	\$14,850	\$14,850	\$14,850
Travel	\$15,027	\$15,027	\$15,027	\$15,027	\$15,027
Subawards/Consortium/Contractual Costs	\$229,651	\$229,651	\$229,651	\$229,651	\$229,651
Publication Costs		\$6,000	\$6,000	\$6,000	\$6,000
TOTAL FEDERAL DC	\$538,991	\$538,991	\$538,991	\$538,991	\$538,991
TOTAL FEDERAL F&A	\$122,989	\$98,989	\$98,989	\$98,989	\$98,989
TOTAL COST	\$661,980	\$637,980	\$637,980	\$637,980	\$637,980

Facilities and Administrative Costs	Year 6	Year 7	Year 8	Year 9	Year 10
F&A Cost Rate 1	32%	32%	32%	32%	32%
F&A Cost Base 1	\$384,340	\$309,340	\$309,340	\$309,340	\$309,340
F&A Costs 1	\$122,989	\$98,989	\$98,989	\$98,989	\$98,989